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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,888	12/07/2005	Josef Zelger	HD/3-22898/A/PCT	2828
324	7590	11/25/2008	EXAMINER	
JoAnn Villamizar Ciba Corporation/Patent Department 540 White Plains Road P.O. Box 2005 Tarrytown, NY 10591			ASD/ODL, MOHAMMAD REZA	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			11/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/559,888

**Applicant(s)**

ZELGER ET AL.

**Examiner**

MOHAMMAD R. ASDJODI

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

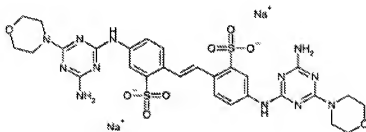
**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SD/CS)  
Paper No(s)/Mail Date 05/01/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of elected structure (below) in the reply filed on 10/16/08 is acknowledged.



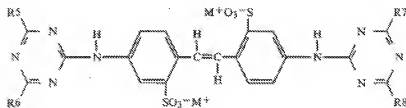
### ***Claim Rejections - 35 USC § 102***

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

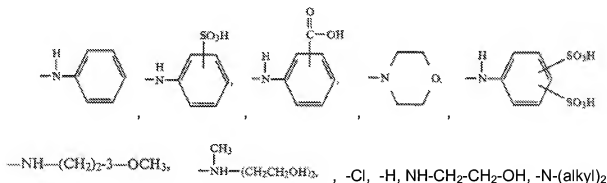
***A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.***

Claims 1-16, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrin et al. (US 5,057,236).

Regarding claims 1-12, and 14-16, Petrin et al. teach the storage stable (3: 57-62) CC/DAS brighteners (fluorescent whitener) of the class (mono- or polysulfated) phenyl-, triazinyl stilbenes of structure below by the amount of 0.001-5%; [4: 45-67, 5: 1-24, 3: 60],



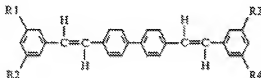
Wherein M= H, Na, K, or Li; and each of R5, R6, R7, and R8 are independently selected from the substituents



or -NH-alkyl; wherein the alkyl group contains from 1-8 carbon atoms. The structure above satisfies the structural limitation of instant claims, and selected species (where R8 is morpholino), completely. Petrin et al. teach electrolytes such as sodium hydrogen carbonate, sodium carbonate, and sodium phosphate by the amount of 0-50%; [15: 55-58], anionic poly saccharide such as xanthan gum or guar gum by the amount of 0-50%; [15: 36-37], dispersants such as anionic or nonionic surfactants (ammonium sulfosuccinate, poly acrylate, or polymaleates) by effective (desired) amount; [15: 1-3, 65-68], adjunct (or optional) ingredients such as dyes, foam booster, and pigments by the amount of 0-20%; [15: 6-11, 20: 60-64], and water to make up the rest of composition to 100%; [17: 6].

With respect to claims 1, 11, and 14, Petrin et al. teach at least one further fluorescent whitener, of given structure of formula (2), by the amount of 0.001-5%; [4: 45-67, 3: 60].

Regarding claim 13, Petrin et al. teach one further fluorescent whitener of formula (3) of instant claim, wherein R1, R2= SO<sub>3</sub>M, and R2, R4= R10, R11= H; [4: 15-35].



Regarding claims 17-18, Petrin et al. teach a method, or process, of preparing a storage stable fluorescent whitener, and detergent formulation, comprising mixing the moist centrifuged slurry (cake) with the the other ingredients such as water and polysaccharides; [8: 51-68, 9: 1-10, 14: 65-68, 15: 1-40].

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1796

/M. R. A./  
Examiner, Art Unit 1796  
11/17/08